UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,893	11/18/2003	Gary Edward Peterson	206,270	8694

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1. This is in response to the amendment field on May 30, 2007. Claims 11 and 20

have been amended. Thus, claims 1-20 are currently pending and have been

considered below.

Drawings

2. The amendment filed on May 30, 2007 corrected deficiencies in the drawings.

As noted in paragraph of the January 30, 2007 office action. Therefore, the

examiner hereby withdraws the objection.

Claim Objections

3. The amendment filed on May 30, 2007 amended claims 11 and 20 thereby

overcoming the Claim Objections of the January 30, 2007 office action.

Therefore, the examiner hereby withdraws those objections of claims 11 and 20.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Double Patenting

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

    A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claims 1-20 are provisionally rejected under 35 U.S.C. 101 as claiming the same

invention as that of claims 1-20 of copending Application No. 10/868484. This is

a <u>provisional</u> double patenting rejection since the conflicting claims have not in

fact been patented.

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public
policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the
"right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A
nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not
identical, but at least one examined application claim is not patentably distinct from the reference claim(s)
because the examined application claim is either anticipated by, or would have been obvious over, the
reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*,
11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ
619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
       A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the
conflicting application or patent either is shown to be commonly owned with this application, or claims an
invention made as a result of activities undertaken within the scope of a joint research agreement.
       Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.
A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-6 and 12-17 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-6 and

11-16 of copending Application No. 11/223468 in view of **Kumar** et al.

(US2006/0100912A1).

Claims 1 and 11 of Application No. 11/223468 contains every element of claims 1

and 12 of the instant application 10/716893 but the instant application does not

disclose "wherein the processor, in response to the at least one risk message

and risk information, performs reputation risk management analysis on the at

least one risk message using a predetermined metric to generate and display

impact level data".

However, **Kumar** discloses the processor (underwriter system), in response to at least one risk message and risk information (summary reports describing transactions and status of work in progress during a given period of time) using a predetermined metric (threshold) to generate and display impact level data (view rating results and drill into location details such as ring, distance from peril epicenter, liability, probable loss, current rating) (**Kumar**: par. [0267 – 0269]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have ability generate and display impact level data in claims 1 and 12 of the instant application. One would have been motivated to display instant result of risk analysis (**Kumar**: par. [0249)]. This is a provisional obviousness-type double patenting rejection.

8. Similarly, claims 2, 3, 4, 5, 6, 13, 14, 15, 16, and 17 of the instant application 10/716893 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2, 3, 4, 5, 6, 12, 13, 14, 15 and 16 of application 11/223468 in view of **Kumar** et al. (US2006/0100912A1) based on the same rational.

Claim Objections

9. Claim 13 is objected to because of the following informalities: it contains a typo in line 2 as follows "providing to of the memory" is mentioned. Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth

in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

art are such that the subject matter as a whole would have been obvious at the time the invention was

made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall

not be negatived by the manner in which the invention was made.

11. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kumar et al. (US2006/0100912A1) further in view of **Ram** et al.

(US2003/0009411A1).

Claims 1 and 12: Kumar discloses an interactive risk management method and system

for providing risk information (**Kumar**: par. [0314]: capable of displaying warnings for

prospective policies) associated with one or more of a plurality of processes, the

method comprising the steps of: providing a computer including a processor, an input

device, a display, and a memory (**Kumar**: Fig. 175: items #17512, #17514 and

#17504); storing in the memory at least one risk message associated with at least one

of the plurality of processes (**Kumar:** par. [0314] and Fig. 1: item #104); receiving at the

processor user command signals entered through the input device (**Kumar:** par. [0890]

and Fig. 175) ; displaying to the user through the browser the mapping of the plurality

of processes, with each of a set of the displayed processes having an associated

actuatable display region (**Kumar:** par. [0292 - 0294] and Fig.12); receiving at the

processor signals corresponding to user actuation of an actuatable display region of a

selected process (**Kumar:** par. [0867] and Fig. 169); and displaying to the user through

the browser, in response to the user actuation, the at least one risk message (**Kumar:**

par. [0867]; (e.g. error/status box) and Fig. 169) associated with the selected process,

thereby allowing the user to gain information about the selected process and any

associated risk (**Kumar:** par. [0867] and Fig. 169); displaying a graphic user interface

including a browser on the display (**Kumar:** par. [0475]); **Kumar** does not disclose

"storing in the memory a mapping of a plurality of processes". However, **Ram** does

disclose storing the market trading data in the memory (**Ram**: par. [0077]). Therefore, it

would have been obvious to one having ordinary skill in the art at the time of the

invention was made to have store the market trading data in the memory in **Kumar**'s

system. One would have been motivated to store data in the memory to recall and

display on the graphical interface (**Ram**: par. [0077]).

Claims 2 and 13: Kumar in view of **Ram** disclose the interactive risk management

method and system of claims 1 and 12, further comprising: providing to of the memory

by users using a browser (**Kumar:** fig. 1: items #190 and #104) connected to a

computer network (**Kumar:** par. [0202]; fig. 1: items #100, #112 and #190);

communicating command signals through the computer network to access and display

to the user the mapping (**Kumar:** par. [0451 – 0452]); and actuating the actuatable

display regions to selectively view the at least one risk message (**Kumar:** par. [0867];

(e.g. error/status box) and Fig. 169).

Claims 3 and 14: Kumar discloses the interactive risk management method and

system of claims 2 and 13, the computer network is an intranet (**Kumar:** par. [0203]).

Claims 4 and 15: Kumar discloses the interactive risk management method and

system of claims 2 and 13, the computer network is an Internet (**Kumar:** par. [203]).

Claims 5 and 16: Kumar in view of **Ram** disclose the interactive risk management

method and system of claims 1 and 12, further comprising: **Kumar:** disclose associating

actuatable display regions with link data addressing linkable data (clicking a name (e.g.

a hyperlinked name))(**Kumar:** par. [0369]), but **Kumar** does not explicitly disclose

"stored in the memory". However, **Ram** does disclose storing the market trading data in

the memory (**Ram**: par. [0077]).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention was made to have combine linkable data (market trading data)

store in the memory in **Kumar**'s system. One would have been motivated to include

linkable data links stored in memory to easily accessible whenever needed to display on

the graphical interface (**Ram**: par. [0077]);

Kumar disclose responding at the processor to actuation of a selective

actuatable display region to communicate via a respective link data (**Kumar**: par.

[0223]), but **Kumar** does not explicitly disclose communicate with the memory.

However, **Ram** does disclose data stored in memory and to graphically display the data

over a selected time period may be selectively invoked by a trader (**Ram**: par. [0266]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

of the invention was made to have combine linkable data link with memory in **Kumar**'s

system. One would have been motivated to include linkable data links stored in memory

to quickly recall data on the graphical interface (**Ram**: par. [0077]); and

Kumar disclose retrieving the corresponding linkable data (the user clicks on a

hyperlinked name, the proximity analysis wizard appears pre-populated) (**Kumar:** par.

[0371]).

Claims 6 and 17: Kumar discloses the interactive risk management method and

system of claims 5 and 16, wherein the link data is a hyperlink (**Kumar:** par. [0371]).

Claims 7 and 18: Kumar discloses the interactive risk management method and

system of claims 1 and 12, further comprising the step of: operating at the processor

mapping software (**Kumar:** par. [0010]; GIS application, such as Arc Info) to display the

mapping and the plurality of processes as graphical representations on the display

(**Kumar:** par. [0868] and Fig. 170).

Claim 8: Kumar in view of **Ram** disclose the interactive risk management system of

claim 7, **Kumar** disclose the mapping software displays on the display to indicate risk

information available to the user (**Kumar:** par. [0867] (e.g. error/status box) and Fig.

169) but **Kumar** does not explicitly disclose "a graphical stop sign image". However,

Ram does disclose graphical stop sign image (**Ram:** fig. 18: item #154 and par. [0478]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have combine a graphical stop sign image on mapping software in **Kumar**'s system. One would have been motivated to include a graphical stop sign image to terminate the process (**Ram:** fig. 18: item #154 and par. [0478]).

Claim 9: Kumar discloses the interactive risk management system of claim 7, wherein the mapping software displays the processes in a multi-dimensional format (**Kumar:** par. [0213]: JPEG, FIFF).

Claims 10 and 19: Kumar in view of **Ram** disclose the interactive risk management method and system of claims 7 and 18, **Kumar** does disclose the mapping software (**Kumar:** par. [0011]), but **Kumar** does not disclose "displays subsets of the plurality of processes in a plurality of horizontal lanes, the horizontal lanes being oriented one above the other vertically".

However, **Ram** does disclose the graphical representation includes at least one grid having plurality of cells (subsets of presses) arranged in an array of at least on row or at least one column (**Ram:** [0015]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have display plurality of processes in mapping software in **Kumar**'s system. One would have been motivated to include subsets of processes on mapping software to display multiple lanes (**Ram:** [0015]: rows and columns).

Claims 11 and 20: Kumar discloses the interactive risk management method and

system of claims 7 and 18, wherein the mapping software is graphics software (**Kumar:**

par. [0011]).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kiran K. Shrestha whose telephone number is 571-270-

1691. The examiner can normally be reached on Mon- Fri (Alt. Fri Off) 0700-1630 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca, can be reached on (571) 272-4048 Art Unit 2173. The fax

phone number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K. S.
KKS   John W. Cabeca
July 9, 2007   Supervisory Primary Examiner

KIEU VU
PRIMARY EXAMINER